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August 21, 2020

VIA ECF

Honorable Loretta A. Preska

U.S. District Court

Southern District of New York

500 Pearl Street

New York, NY 10007

RE: *United States v. Steven Donziger*, No. 19-CR-561 (LAP); 11-CIV-691 (LAK)

Dear Judge Preska:

I request that you reconsider your decision to require Mr. Donziger's criminal defense attorneys to travel from the West Coast to New York City for this misdemeanor trial. I feel I am being asked to choose between my health, the health of my family and community, or zealously representing my client.

I normally travel extensively because my cases are all over the country, including a federal case in Iowa, and several state felony criminal cases in California, Montana, Washington, and North Dakota. Since March, I have not traveled outside of Oregon, and none of the abovementioned cases have trial dates until December 2020, which all parties agree will likely be postponed again until sometime in 2021 due to COVID. Many courts I practice in are using 5 courtrooms to conduct one trial per week and of course are prioritizing in custody felony cases without speedy trial waivers. In Oregon, prosecutors are dismissing hundreds of cases to lighten the trial burden and the Court has informed lawyers to schedule out of custody trials after March 2021.

I have not traveled out of state since January 2020 because of the risk of COVID exposure and spread. I am attaching a letter from my physician who has repeatedly advised me not to fly "unless my life depends on it." Medical doctors believe there is a grave risk to the health of passengers if they fly given the spread of COVID around the country. To fly from Eugene, Oregon to Manhattan is normally an 8 to 12-hour flight with 2 or 3 transfers at various airports. Even though you believe that NYC is experiencing a 'window of opportunity,' the rest of the country—including the various airports I will be forced to transit through-- are experiencing surges and spikes in the spread of COVID as well as resulting fatalities.

If forced to fly to New York City from my small town in Oregon, stay in a hotel, eat at restaurants and take public transportation, upon my return flight I will be forced to quarantine myself for two weeks. I will potentially place my family at risk of exposure to COVID. I will not be able to return to work and I will not be able to perform the other duties of my job that

require me to be on the public streets as a legal observer because I will be quarantined. All as a result of a misdemeanor bench trial that has several unresolved appellate issues, and has only been pending for a year (August 6, 2019 arraignment). Given the complex nature of this case, 12 months from arraignment to trial is extremely fast in my experience—and certainly not an unusually long amount of time pretrial.

I believe that I am being forced into a conflict with my client: protect my health and that of my family and community, or go to Manhattan to defend Mr. Donziger on a misdemeanor contempt charge right now. There is no reason to force this trial to occur in September. It is my understanding that no other criminal trials, and certainly no misdemeanor trials, are happening in the SDNY, New York state as a whole, or really anywhere in the country—unless there is an in custody speedy trial issue. There is no emergency here. Please do the reasonable thing and postpone the trial so that we do not have to address the conflict issue that will arise if defense counsel is forced to choose between our client or our health.

Thank you for your consideration

Sincerely,

/s/ Lauren C. Regan (electronic signature)

Lauren C. Regan, OSB#970878

Attorney at Law

Civil Liberties Defense Center

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MCKENZIE FAMILY PRACTICE, P.C.

August 19, 2020

Re: Lauren Regan, Esq


To Whom It May Concern,

It is my medical opinion that airplane travel of any kind is a high-risk event presently. I do not recommend such travel for anyone unless their life depends on it.

Furthermore, transcontinental flight is particularly dangerous.

Thank you.

Regards,


David Knowlton, MD